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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,811	02/06/2002	Lori Greiner	13345.45US01	8440

22859 7590 02/04/2004

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,811

Applicant(s)

GREINER, LORI

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44, 50-75, 78-85 and 87-91 is/are pending in the application.
- 4a) Of the above claim(s) 72-74, 89 and 90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 50-71, 75, 78-85, 87, 88 and 91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the fourth office action for application number 10/068,811, Jewelry Organizer, filed on February 6, 2002.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 11, 2003 has been entered.

Election/Restrictions

Applicant's election of Group V (figures 9-11 and 13) directed to claims 44 and 50-62 in Paper No. 11 is acknowledged.

Further, claims 72, 73, 74, 89 and 90 submitted in the amendment received on January 13, 2003 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 50-53, 55, 57, 67 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 2,286,427 to Levensten in view of U.S. Patent number 2,995,409 to Simonsen.

Levensten '427 teaches an wood organizer (figure 1, column 1, line 35) comprising a top section (figure 1) with a lid (2) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/plurality of drawers (figure 1), and a bottom section (figure 1) located under the middle section. However, Levensten '427 fails to specifically teach the top section to have a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer.

Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein a lid (11,12) covers the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Levensten '427 as in Simonsen '409 so as to have a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein the drawers are covered by a lid in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users.

Claims 50-53, 55 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 6,045,202 to Simon in view of Simonsen '409.

Simon '202 discloses an organizer (figure 1) comprising a top section (figure 1) with a lid (14) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/drawer (figure 1), and a bottom section (figure 1) located under the middle section. However, Simon '202 fails to specifically teach the top section to have a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer.

Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein a lid (11,12) covers the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Simon '202 as in Simonsen '409 so as to have a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein the drawers are covered by a lid in order to increase the utility and adjustability of the organizer of Simon '202 so as to appeal to a greater number of users.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and in the alternative, over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 1,600,830 to Lewis.

Simon '202 in view of Simonsen '409 teach the previous invention, and further show the teaching of a mirror (figure 1) on the inner surface of the lid. However, the mirror might not be interpreted as being such. Nevertheless, Lewis '830 reveals an organizer (figure 1) with a top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Simon '202 in view of Simonsen '409 in order to increase the utility of the organizer by providing a convenient location for a mirror.

Claims 56, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 4,511,041 to Waitzman.

Simon '202 in view of Simonsen '409 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However, Waitzman '041 discloses the use of an organizer where a tray/drawer/compartments is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the drawer(s)/compartment(s) of the top and middle sections with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

Claims 58-60, 62, 70 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409, and further in view of U.S. Patent number 2,268,637 to Bernstein.

Levensten '427 in view of Simonsen '409 teaches the previously described invention, wherein the interior spaces/compartments can be partitioned (column 4, lines 61-65), but fail to specifically show the drawer/compartment/lift out drawer/middle section to include a plurality of removable/adjustable dividers hence dividing the drawer/compartment/lift out drawer/middle section into smaller sections/areas/compartments. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the drawer/compartment/lift out drawer/middle section of Levensten '427 in view of Simonsen '409 as in Bernstein '637 so as to divide the drawer/compartment/lift out drawer/middle section into smaller sections/areas/compartments in order to allow objects or items located within the drawer/compartment/lift out drawer/middle section to be conveniently organized hence providing for a more orderly organizer.

Claims 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of British Application number 2,217,298 to Wood.

Simon '202 in view of Simonsen '409 teach the previous invention failing to specifically teach the lift out drawer to comprise a ring platform therein. However, Wood

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'298 teaches an organizer (figure 1) with a drawer/compartment including a ring platform (8) therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a ring platform as in Wood '298 in the lift out drawer of Simon '202 in view of Simonsen '409 so as to increase the utility of the organizer and allow rings and other similar jewelry to be conveniently stored and displayed within the organizer.

Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 1,131,713 to Kramer.

Simon '202 in view of Simonsen '409 divulge the previous invention failing to specifically teach a secret compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Simon '202 in view of Simonsen '409 as in Kramer '713 so as to increase the utility of the organizer by providing for more storage for objects and items.

Claims 44, 68, 69, 82 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley.

With respect to claims 44, 68 and 82, Levensten '427 in view of Simonsen '409 disclose the previous invention failing to specifically teach the middle section to have a

pair of doors that can be pivoted to an open position to expose the plurality of drawers and to a closed position to conceal the plurality of doors. However, Townley '577 teaches an organizer (figure 1) including a top section and a middle section with a plurality of stacked drawers (18) with pivotal doors (13,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the door of Levensten '427 in view of Simonsen '409 with a pair of pivotal doors as in Townley '577 so as to provide for a more asthetically pleasing organizer in addition to providing for an alternate drawer concealing means.

Regarding claims 69 and 87, Levensten '427 in view of Simonsen '409 and Townley '577 teach the previous invention failing to specifically teach a bar to be located on an inner surface of the door of the middle section. However, Townley '577 teaches the inner surface of the door to have a bar (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a bar on the inner surface of the door so as to increase the utility of the organizer by providing a convenient location to hang an object or item.

Claims 78, 79, 88 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley, and further in view of Bernstein '637.

Levensten '427 in view of Simonsen '409 and Townley '577 teach the previously described invention, wherein the interior spaces/compartments can be partitioned (column 4, lines 61-65), but fail to specifically show the drawer/compartment/lift out drawers/middle section to include a plurality of removable/adjustable dividers hence

dividing the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the drawer/compartment/lift out drawers/middle section of Levensten '427 in view of Simonsen '409 and Townley '577 as in Bernstein '637 so as to divide the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments in order to allow objects or items located within the drawer/compartment/lift out drawers/middle section to be conveniently organized hence providing for a more orderly organizer.

Claims 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley, and further in view of Waitzman '041.

Levensten '427 in view of Simonsen '409 and Townley '577 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However, Waitzman '041 discloses the use of an organizer where a tray/drawer/compartment is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the drawer(s)/compartment(s) of the top and middle sections of Levensten '427 in view of Simonsen '409 and Townley '577 with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley, and further in view of Lewis '830.

Levensten '427 in view of Simonsen '409 and Townley '577 teach the previous invention failing to teach a mirror to be located on an interior of the lid. Nevertheless, Lewis '830 reveals an organizer (figure 1) with a top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Simon '202 in view of Simonsen '409 in order to increase the utility of the organizer by providing a convenient location for a mirror to view objects.

Claims 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley, and further in view of Kramer '713.

Levensten '427 in view of Simonsen '409 and Townley '577 divulge the previous invention failing to specifically teach a secret compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Levensten '427 in view of Simonsen '409 and Townley '577 as in Kramer '713 (it is interpreted that there would in fact be room in the organizer of Levensten '427 since the drawers 6 are of varying

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depths (column 2, lines 20-21)) so as to increase the utility of the organizer by providing for more storage for objects and items.

Response to Arguments

Applicant's arguments filed December 11, 2003 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Further, applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

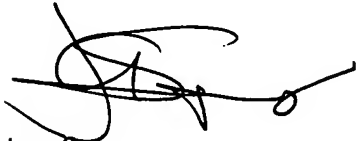
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'JS', with a horizontal line extending to the right.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
January 23, 2004